



Minutes

The One-Hundredth and Third meeting of the Enforcement Committee held on Thursday April 22, 2021 at 1:30 p.m., Virtual Meeting

Present: Joe Adams, P.Eng. (Chair)
Gordon Ip, P.Eng. (Vice-Chair)
Tomiwa Olukiyesi, P.Eng.
Stephen Georgas, LLB., P.Eng.
Indra Maharjan, P. Eng.
Juwairia Obaid, P.Eng.
Tommy Sin, P.Eng.
Zahra Sadeghigivi, P.Eng.

Staff: Cliff Knox, P.Eng. (Manager, Enforcement)
Steven Haddock (Enforcement and Advisory Officer)
Ashley Gismondi (Enforcement and Outreach Officer)
John Mania (Enforcement and Outreach Officer)
Maria Iannone (Administrative Assistant)

Regrets : Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)
Parisa Bahrami, P.Eng.
Desmund Lau, P.Eng. (Resigned)

1. Welcome and Call to Order

Mr. Adams called the meeting was to order at 1:32 pm with a quorum of six (6) members.

2. Approval of Agenda

Motion #1: That the Enforcement Committee Agenda, dated April 22, 2021 be approved.

Moved by Stephen Georgas, P.Eng., seconded by Gordon Ip, P.Eng.

CARRIED

3. Report from Chair

Mr. Adams remarked that the Volunteer Leadership Conference is coming up in May. Mr. Ip plans to attend, and Mr. Maharajan would be happy to be backup. Mr. Knox noted that the focus of discussion may be the new Governance Committees that Council will be forming.

Ms. Olukiyesi joined the meeting at 1:34 pm.

Mr. Adams reported that the committee had asked the Chair, Vice-Chair and Mr. Knox to review recommendations from the Vital Signs Survey to see what applies to the committee and what should be done.



- It was agreed that every November, a copy of the Terms of Reference (T of R) would be sent out with the Work Plan and HR Plan documents and once every three years the committee would reaffirm or make changes to the T of R.
- It was also agreed to poll the committee members once a year on any training that would be useful, and then develop a plan and budget for that. This would likely happen at the November meeting.
- Regarding understanding and support from Council, we already attend the workshops and are developing an annual written report to Council and it was felt that we don't need to do anything further.
- Having opportunities for members of various committees to learn from each other and exchange views is not in the mandate of our committee however, it may be a good idea. If the Advisory Committee on Volunteers wants to pursue this, they should propose how this would be developed.
- On the question of making teleconferencing participation more effective at meetings, it was felt that it's not the committee's mandate to develop communication policies however, we support the use of more teleconferencing.
- It was felt that the committee's representation of female members and diversity is addressed in our annual report.
- We did not feel that there were any additional concerns relating to our committee. There were some Covid-related questions which were not applicable to the Enforcement Committee.

Mr. Adams commented on the "Ask Marisa" Zoom meetings being held by PEO President, Marisa Sterling. Mr. Adams attended the last meeting, which discussed the new governance model. Council will be forming four new governance committees to oversee existing committees and coordinate policy items. Council will be looking at the relationship with Chapters later this year, or early next year, and the relationship with OSPE will be addressed in phase four of the governance changes. He encouraged committee members to register for the next "Ask Marisa" session.

Mr. Georgas asked when the meeting will be held. Mr. Adams confirmed that this would be held on May 3rd at 5 pm and requested that the link for the meeting be sent to all committee members.

Action #1: Mr. Knox to forward invite for the May 3rd "Ask Marisa" session to committee members.

Mr. Adams reported that the committee's annual report was sent in and will be going out to all PEO members as part the AGM package.

4. Consent Agenda

Mr. Adams asked for a motion to approve the Consent Agenda, which includes approval of the draft minutes for the February 4, 2021 meeting.

Mr. Knox reported on significant items from the Disposition of Motions for the 538th Council Meeting:

- Council voted on adopting the Nathan and Goldfarb's meeting rules, which is a successor to the previous Wainberg's Society Meetings, with a few updates and revisions. Mr. Ip asked about the voting on this item; Mr. Knox explained that there was a recorded motion to postpone the vote to the next meeting and this was defeated, but that the original motion was carried.
- Council also voted to rescind its previous motion to hold a referendum on mandatory CPD (continuing professional development). This allows the current PEAK program to be operationalized for all members and this will be phased in over time.

Mr. Knox also reported on items from the Disposition of Motions for the 539th Council Meeting:



- The March Council meeting included the approvals for the governance initiatives, which created the four new governance committees.
- There was a vote to appoint a Director to the Engineers Canada Board and another vacancy was created by the resignation of one of the current directors. This vacancy will be addressed at the next Council meeting.
- There was an in camera motion to appoint a new Chair for the Experience Requirements Committee (ERC) due to the resignation of the previous Chair. The Vice Chair was appointed as the new Chair and ERC will need to elect a new Vice Chair.

Ms. Obaid joined the meeting at 2:04 pm.

Mr. Knox additionally informed the committee that Desmond Lau has resigned as a member due to an increase in his work commitments.

Motion #2: That the contents of the Consent Agenda are received, and the minutes of the February 4, 2021 meeting be approved as submitted.

Moved by Gordon Ip, P.Eng. seconded by Tomiwa Olukiyesi, P.Eng.

CARRIED

5. Staff Update

Mr. Knox informed the committee that John Mania will be helping with enforcement files while the IDDC project to scan application files is on hold. Mr. Knox is continuing his assignment with the licensing group until July 2nd.

Mr. Knox provide a breakdown of 2020 Stats by standard files and business name challenges with the Ministry of Government Services and Consumer (MGCS). He explained that PEO must file a complaint with MGCS when it finds an unlicensed business using the term "engineer" or "engineering" in its business name, so that a date can be set for a hearing to rule on the complaint. There is no process to "fast track" the complaints; it can take years for a hearing to be set and a business registration will often expire before it gets to a hearing.

Mr. Haddock commented that there's a five-year time limit on name registrations. He reported that we cleared off many names that were filed before 2015 but there were no decisions made by the Ministry in 2020.

Mr. Adams commented that if PEO is waiting four to five years for the government to do something, maybe it should look at the disconnect in the process. He suggested that we might approach this through the government's Red Tape Reduction process.

Mr. Haddock commented that most of the applications are done online. Mr. Knox added that it could be as simple as putting a check in place that you must provide a permission letter from PEO if the business name contains a restricted term. Mr. Haddock noted that no one is doing that.

Mr. Adams commented that there is a disconnect between MGCS and PEO and suggested to bring forward a request for burden reduction to avoid administrative costs for name challenges. Mr. Knox noted that the requirements are already in the existing legislation for business names, but MGCS isn't enforcing the strict requirements.

Mr. Adams asked for clarification on the case load for standard files and what is the recovery plan. Mr. Knox stated that there were 184 open standard files at the beginning of 2020 and 306 open files at the end of the year. The recovery is dependent on having a return to normal with respect to the current Covid restrictions.



Mr. Haddock commented that there are currently 77 letters that need to be sent by mail and another 20 files to start proceedings with MGCS. These files are on hold until we can get back into the office to access files and prepare items for mailing.

Mr. Knox reported that the 2021 total caseload is slightly down from 426 to 424 due to a lower volume of new files reported. We benefited on a low volume of new files in the first quarter which has allowed us to catch up on closing files. The volume of new files is determined by external factors and can't be reasonably predicted.

Mr. Knox gave a further breakdown of the Enforcement Files Status to March 31, 2021, showing times to close files and the relative age of current open files. Mr. Ip asked whether PEO could close files quicker if there were more staff or is this due to a bureaucratic process.

Mr. Adams commented that 25% of the cases are MGCS challenges and most of these are over a year old. He offered to help staff by reaching out to his contacts at MGCS. Mr. Haddock noted that challenges that don't get a response from the defendant are generally handled by MGCS staff and contested challenges are referred to the Ministry of the Attorney General. Mr. Adams suggested for Mr. Knox, Mr. Haddock and himself to meet offline to discuss further.

Mr. Mania suggested another path would be to pursue the issue through the Ombudsman's Office. The Ombudsman tackles systemic issues and if MGCS gets a call that office, it may get better attention. Mr. Knox suggested to proceed with both approaches.

Ms. Obaid temporarily left the meeting at 3:00 pm to attend to a work commitment.

6. Work Plan- Policy Issue Policy Issue 2017-A: Outreach Using Social Media

Ms. Gismondi reported on recent presentations to students at York University and McMaster University.

Ms. Gismondi updated the committee on her work with Communications Manager, Duff McCutcheon on outreach using social media. She noted that much of the information that's posted to social media has become redundant. The main goal of the subcommittee was to start creating original content for social media and the feeling is this mission has been accomplished.

Mr. Maharjan left the meeting at 3:03 pm.

Mr. Adams asked for a motion to stand down the subcommittee with the understanding that staff will follow up with the ongoing outreach activities.

Motion #3: That the Outreach Subcommittee be stood down with thanks from the main committee.

Moved by Stephen Georgas, P.Eng. seconded by Gordon Ip, P.Eng.

CARRIED

7. Work Plan – Policy Issue 2018-A: Examples of Engineering Practice

Mr. Adams reported that the three initial practice examples are ready to send to ERC, ARC and PSC for their comments or suggestions on content. We will incorporate their feedback and decide how to present to the public. He noted that there is a deadline for these committees to respond by August 30th.

Action #2: Mr. Knox is to send the prepared memo and three practice examples for review and consultation by the Experience Requirements Committee, Academic Requirements Committee and Professional Standards Committee.

8. Work Plan – Policy Issue 2020-A Emerging Technologies

Mr. Ip commented that little progress has been made by the subcommittee. He was to create Terms of Reference for the subcommittee but due to his work commitments, he's been unable to complete this. He asked if another member could take over as Chair of the subcommittee.

Mr. Knox suggested that he can work offline with Mr. Ip to complete the Terms of Reference and request at the next meeting for another member to chair the subcommittee.

Ms. Olukiyesi noted that there has also been difficulty scheduling a time when the members are available to meet.

Action #3: Mr. Knox is to follow up with Mr. Ip on creating a Terms of Reference document for the subcommittee.

9. Work Plan – Policy Issue 2020-B Public Protection for Entrepreneurial Activities

Mr. Georgas reported that the subcommittee met twice by Zoom since the February ENF meeting and has prepared a memo for the main committee to review. If the content is acceptable, we can submit it for Council's consideration.

Mr. Georgas will forward an updated version for Mr. Knox to send out for feedback and changes suggested by other members can be incorporated into the document.

Mr. Georgas commented that he was willing to assist with the Emerging Technologies subcommittee, assuming the work if this subcommittee is substantially complete. He clarified that he might assist whoever becomes the Chair.

Mr. Adams asked whether Outcome Based Regulation was considered in the memo and Mr. Georgas confirmed that this was considered in the approach.

Action #4: Mr. Georgas is to forward the revised memo to Mr. Knox for distribution to the committee members.

10. Other Business

Mr. Knox spoke about the briefing note on governance direction that was presented at the March Council meeting. This included statements of intent for Council to turn them into concrete implementation plans. PEO's legislated committee's will continue to operate as they currently do, unless this is changed by an amendment to the Act or its regulations.

Councils will be creating four new governance committees and the Regulatory Policy and Legislation Committee will have oversight of existing regulatory and regulatory policy committees, including ENF.

Mr. Knox commented that the four new committees will be launched as of the AGM. There will be a transition for the committees to assume responsibility for policy items and to coordinate with existing committees. Mr. Knox noted that there are also charters to formalize the roles of the President and Chair, and CEO/Registrar on how they interact and their specific functions.

Mr. Knox presented a chart to show how the new governance committees would relate to existing committees.

Mr. Adams commented that this is a work in process.



11. Attendance

Absent: Parisa Bahrami, P.Eng.

12. Next Meeting

All Committee members agreed on the next meeting to be June 10, 2021.

Action # 5: Maria is to send out meeting request to all members for June 10, 2021

13. Adjournment

Motion # 4: To adjourn the meeting at 4:02 pm.

Moved by Stephen Georgas, P.Eng.

J. Adams, P.Eng. - Chair

Date 20210614

M. Iannone – Secretary

Maria Iannone

Date 2021/06/14